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A Bed for the Night: Humanitarianism in Crisis

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Book Review

A Bed for the Night: Humanitarianism in Crisis, *by* David Rieff

Publisher: Simon & Schuster (2002)

Price: \$26.00

Reviewed by: Nick Robinson

During the 1990s, the world bore witness to a startling number of atrocities, from the much-publicized massacres in Bosnia and the genocide in Rwanda, to the lesser known civil wars in the Democratic Republic of Congo and the Sudan, which themselves claimed millions. To David Rieff, author of books such as *Slaughterhouse: Bosnia and the Failure of the West* and an experienced journalist who extensively covered Bosnia and Rwanda, the world is a place where literally billions suffer with little reason for hope. "Human rights" and "international community" are ideas with good intentions, but with little substance or weight behind them. For Rieff, the aid worker is one of the last remaining noble forces amidst this brutality. The aid worker brings food, care, and hope to both innocent and guilty alike in the worst of circumstances. Quoting one aid worker, Rieff defines traditional humanitarianism as "an effort to bring a measure of humanity, always insufficient, into situations that should not exist."¹

Because he holds the principles and acts of humanitarianism in such high regard, Rieff is deeply disturbed by the increased politicization of humanitarianism and the military interventions undertaken in its name in the 1990s. David Rieff's *A Bed for the Night: Humanitarianism in Crisis* is an emotionally raw and deeply personal argument that humanitarian organizations must be free from the constraints of the demands of donor governments and the broader ideological concerns of the human rights or "good governance" movements. Humanitarianism must be free to simply aid those in need. In making this argument, the book provides a view into the politics and subculture of humanitarian aid organizations, from the International Red Cross (IRC) to Doctors Without Borders (MSF); it takes as its examples the humanitarian crises of the 1990s, from Bosnia to Afghanistan.

¹ David Rieff, *A Bed for the Night: Humanitarianism in Crisis* 178 (2002) (quoting interview with Philip Gaillard).

By the end of the Cold War, many in Europe, and to a lesser extent the United States, viewed humanitarianism as “the last coherent saving ideal.”² The almost religious belief of humanitarianism’s adherents is that, despite all the cruel evidence in the history of the world to the contrary, human beings are not meant to suffer. However, while humanitarianism may be a noble ideal, it lacks coherence as a moral or political system. The reality is that aid enables a person to survive for the day, but does little to structurally change the situation of either an individual or a nation. Furthermore, aid organizations must constantly make deals with dictators and thugs in order to get supplies and care to those who need it. These deals often make bad situations worse as access to aid is used as a political tool to bolster one side of a conflict at the expense of another.

During the 1990s, many aid workers were not satisfied with “merely” giving aid, but wanted to politicize the context in which aid was given by conditioning its delivery on concepts like human rights, good governance, and nation-building. For example, in 2002, while famine loomed in Zimbabwe, aid organizations withdrew or scaled back assistance because of their disapproval of the ongoing human rights violations in the country. In this withdrawal, Rieff detects a feeling amongst some aid groups that aid should only be given to the “deserving poor” — if suffering in the short-term produces better government, that suffering is justified by the long-term benefit.

This view asks humanitarianism to do too much, Rieff argues, and in the process undermines its moral authority. Relief agencies must accept that, as former UN High Commissioner for Refugees Sadako Ogata puts it, “There are no humanitarian solutions to humanitarian problems.”³ Humanitarian aid should be used only to stop suffering, not to change societies or the world. Rieff criticizes aid agencies that suggest they could save the lives of all those in need if given enough resources. In his view, aid agencies are not capable of changing the political institutions that create this suffering, and they should not attempt to do so. Rieff fears that the human rights and good governance frameworks embraced by many of these aid agencies only create false hopes while diluting humanitarianism’s current ability to help those in need. But while he contends that aid agencies should not condition relief on their political beliefs, Rieff thinks they can serve as a useful tool in publicizing the horrors that they witness. He argues that the media and the public in the West must neither depoliticize famines or wars as simple humanitarian crises, nor turn a blind eye to the political roots and implications of such crises.

Because they perceived clear right and wrong sides in the Bosnian conflict, many aid workers discussed or called for military intervention against the Serbs on humanitarian grounds. However, Rieff observes that such a moral call for military intervention works only in certain situations: where there is an ascertainable “right” side, political clarity, a commitment

² *Id.* at 120.

³ *Id.* at 22.

by the Western public towards action, and a possibility of success. In Africa, Rieff argues, such situations rarely exist.

Although Rieff is generally opposed to humanitarian military intervention, he does not oppose other types of military intervention. For example, he supported the use of military force in Bosnia, Kosovo, and Afghanistan. However, Rieff supports intervention for political reasons, such as supporting a struggling democracy in Bosnia or ridding Afghanistan of al-Qaeda and the Taliban on national security grounds. The problem with a humanitarian justification for war, Rieff argues, is that it puts war beyond debate when war should never be beyond debate. For example, some government leaders justified the recent wars in Iraq and Afghanistan on humanitarian grounds, even though the actual reasons for war were far more complex and far less altruistic. Intervention on humanitarian grounds, he argues, can have troubling imperialistic undertones reminiscent of certain 19th Century interventions. The justifications for some of these "interventions," such as the abolition of slavery in the Congo or the creation of schools and hospitals by missionaries throughout Africa and Asia, served as pretexts under which Western governments expanded their empires. However, Rieff argues that military intervention is sometimes justified on strictly humanitarian grounds, such as to stop the genocide in Rwanda, which was one of the great horrors of this century.

Rieff is concerned that aid agencies will lose their independence as they increasingly cooperate with Western governments. In Bosnia, Afghanistan, and more recently in Iraq, humanitarian aid has come to be seen by many in the military as a "force multiplier." Aid agencies in these conflicts worked closely with and got much of their funding from Western governments. However, by involving themselves so closely with these Western governments, aid agencies are more likely to be attacked by forces on the ground that see them as an arm of these governments. The bombing of the UN Headquarters and the targeting of aid workers in Iraq may be seen as the most recent manifestation of this phenomenon.

A Bed for the Night makes a strong claim that humanitarianism must remain politically independent to preserve its moral weight. However, the book fails to adequately explore many of the questions it examines. For example, aid agencies may be philosophically compromised by their close cooperation with Western governments, but besides security risks, the book does not closely investigate how aid agencies have been practically impeded by such partnerships. Rieff fears that aid agencies are losing their independence, but does not show how their actions would be different if they were not funded by Western governments. Indeed, it seems that these aid agencies can help a far greater number of people through this cooperation. Furthermore, Rieff does not clearly distinguish how this cooperation between aid agencies and Western governments differs when there are Western troops on the ground from when the West has no military aspirations or plans.

It is also not clear what is new about the current "crisis" in

humanitarianism. As Rieff points out, many of the tensions between humanitarianism and empire-building, as well as concerns with the extent to which humanitarian situations should be politicized, have existed since the abolitionist and missionary movements of the 18th and 19th centuries. Certainly, the technologies that provide relief to and publication of these crises have changed since then. However, how humanitarianism today differs politically, structurally, or morally from its previous forms is not closely examined.

A Bed for the Night was written in the wake of September 11th by an author who had just returned from exploring the scenes of some of the worst tragedies of the 1990s. Accordingly, Rieff writes pessimistically, yet passionately, about the plight of the world. Although the book uses different crises during the 1990s (Bosnia, Rwanda, Kosovo, Afghanistan) as the subject-matter of its individual chapters, it lacks overall structure and focus. Often, the author simply repeats themes raised earlier in the book without building upon them. Rieff's personal accounts from the ground and the anecdotal quotes from aid workers he has interviewed are insightful and colorful. However, the book is missing any sense of place. Although the chapters of the book are organized by specific conflicts, one never feels drawn into the realities of giving aid during these conflicts. The details of the humanitarian situations are only cursorily examined. There is conspicuously little testimony from the Afghanis or Kosovars on the receiving end of all this aid. It as if those receiving the aid had no opinion about what the role of humanitarianism should be.

Despite these shortcomings, Rieff's book is a welcome critique of the claims being made upon humanitarianism today. Its general pessimism toward the human rights movement and the future of the world is simultaneously saddening and refreshing. Rieff's almost tragic worldview casts needed doubt on the project of building a new world order based on human rights norms - norms that are too often not enforced and have limited effect even when they are. Rieff asks that we do not sacrifice humanitarianism's independence by blindly following this potentially dubious human rights project. Instead, in the conclusion to *A Bed for the Night*, Rieff writes:

Let humanitarianism be humanitarianism. Let it save some lives, whatever the compromises it has to make along the way, and let it tend to the victims and remind that corner of the world that is lucky enough not to be in agony of the incalculable suffering, misery, and grief that literally billions of people feel every day of their lives.⁴

⁴ *Id.* at 333.

Book Review

Between Light and Shadow: The World Bank, the International Monetary Fund and International Human Rights Law, by Mac Darrow

Publisher: Hart Publishing (2003)

Price: \$80.00

Reviewed by: Horacio Javier Etchichury

Three hundred Venezuelans died in the social unrest stirred by IMF policies in February 1989. Shortly before Argentina's default in 2001, thirty people were killed in the social protests that shook a decade-long neoliberal experiment. A couple of years later, Bolivian President Gonzalo Sánchez de Lozada was forced to flee the country in the midst of popular uprising triggered by his audacious privatization programs.

This issue is hardly unique to South America. From every corner of the world, a growing resistance to the policies of the IMF and the World Bank has become increasingly visible. Every meeting of these international financial institutions (IFIs) faces relentless protests. Many times, protestors claim human rights should prevail over the IFIs' policies. What do human rights concerns imply for these global governance institutions? In *Between Light and Shadow: The World Bank, the International Monetary Fund and International Human Rights Law*, Mac Darrow analyzes this crucial question.

The author provides a well-documented, exhaustive, and somewhat hopeful account of the troublesome relationship between the IFIs and human rights law. In this publication, his Ph.D. dissertation for the University of Utrecht, Darrow provides an extensive bibliography of over 800 relevant sources and builds his carefully reasoned conclusions on more than 125 interviews with officials, policymakers, diplomats, and experts from the IFIs, UN organizations, NGOs, and universities in the United States and Indonesia.

The author's main thesis is that the IFIs can and should incorporate human rights as a core concern in their activities. Darrow offers some moderate reform proposals for the IFIs and tries to convey a sense of hope for their success. Here, however, the reader may feel Darrow does not

present enough reasons to be optimistic. The shadow seems to overcome the light.

The initial chapter describes the evolution of the IFIs since their creation in 1944. While the World Bank initially aimed at fostering development, the IMF supervised international monetary cooperation and exchange stability. In the 1980s, both institutions converged in fostering structural adjustment programs as the best way out of crisis and towards development. Under the intrusive “conditionality” system, countries could only take loans if they agreed to undertake some prearranged legal and economic reforms. Yet IFIs today emphasize the need for “local ownership.” In other words, they promote a more “participatory” design of macroeconomic policies in order to obtain a more committed attitude from the borrower countries.

According to Darrow, the IFIs exercise today a great deal of power “without representation or responsibility” over various domestic policies in underdeveloped and under-represented nations.¹ Rich countries, in particular the United States, enjoy a powerful position as major funders of the IFIs. Darrow also describes the contentious democratic legitimacy of the IFIs, given their unequal voting system. Darrow closes the chapter by highlighting the IFIs’ selective and narrow consideration of human rights, which is always subsidiary to the framework of an economic program.

In the next chapter, Darrow describes the impact on human rights caused by the IFIs’ policies. He states that the IFIs’ have a strong, albeit not absolute, influence on borrower countries. This influence should imply a greater responsibility, particularly to “take a better account of human rights factors in the spheres affected by their increasingly broad and complex mandates.”²

Darrow begins by exploring the often-cited “positive” human rights effect of the IFIs’ activities, such as the improvement in infrastructure for the poor, or the promotion of women’s equality. Moreover, current emphasis on “good governance” usually increases accountability in the public sector and strengthens legal institutions.

Darrow next deals extensively with the negative side of the IFIs, which includes their lack of legitimacy, their resort to secrecy, and their insistence on standardized policies, which are allegedly “technical,” inevitable, and indisputable.³ Moreover, the IFIs conceive social and economic issues under a “compartmentalized” approach, in which macroeconomic policies set the framework. Darrow also looks at the IFIs’ uneasy closeness with diverse authoritarian regimes.

In this chapter Darrow also analyzes the IFIs’ impact in three distressing human rights situations: Indonesia; the former Yugoslavia; and Rwanda. In Indonesia, the IFIs failed to enforce their strict standards regarding corruption and economic performance throughout the 1980s and

1 MAC DARROW, *BETWEEN LIGHT AND SHADOW: THE WORLD BANK, THE INTERNATIONAL MONETARY FUND AND INTERNATIONAL HUMAN RIGHTS* LAW 223 (2003).

2 *Id.* at 112.

3 *Id.* at 80-83.

1990s. Their lax attitude may have been linked to the U.S. strategic need to keep "the right government" in Indonesia.

The breakdown of the former Yugoslavia is also connected to the IFIs. Accelerated reforms (or "shock therapy") included the elimination of subsidies and protections, especially minority quotas, and the re-centralization and privatization of many facets of government. In Darrow's opinion, these reforms destroyed a sense of security and exacerbated internal tensions. The Rwandan genocide, according to Darrow, also relates to previous structural adjustment policies, including the creation of a private market for land and the imposition of fees for education.

Darrow then explores different ways to include human rights standards in the IFIs' activities, despite the commonly cited "political prohibition." The World Bank has this explicit restriction in its charter, while the IMF usually infers it from its highly specialized mission. The prohibition prevents the IFIs from taking human rights (or any other "political" factors) into consideration. Darrow makes a persuasive case for the inapplicability of such "prohibitions" to human rights standards and obligations. Political neutrality does not apply in this case. There is no neutral side regarding human rights.

Indeed, even as things stand today, the IFIs comply only in part with the "political prohibition". On the one hand, the IFIs use the prohibition to avoid binding human rights standards. On the other hand, the IFIs embrace clearly political concepts, some of them closely related to human rights. For instance, the World Bank promotes "good governance" and freedom of the press. It also stresses the need for "empowerment" of the poor and "accountability" of local institutions. Other human rights-based policies embraced by the World Bank deal with the environment and the protection of the rights of indigenous peoples. The IMF, in turn, promotes the fight against corruption. Therefore, a clear double-standard appears in the IFIs' attitude toward "political" issues. Darrow concludes that the inclusion of the human rights paradigm is legally admissible under the existing mandates, as long as that paradigm is construed in light of the institutions' objectives under current circumstances.

The next chapter describes some cultural and institutional barriers to the integration of human rights into the IFIs' basic approach. For instance, the World Bank's "approval culture" emphasizes loan approval over the proper implementation of projects. Usually, any negative impact on human rights goes unnoticed.

Moreover, the technocratic structure of the Bank prizes economic expertise and concentrates on commodities, rather than people. In this context, the integration of human rights into the IFIs' practices faces a difficult challenge.

In the final chapter, Darrow proposes a set of structural reforms to improve transparency, democratization, and accountability. Darrow advocates a transformation of voting systems, though not to the point of strictly equal voting rights. He also promotes a closer scrutiny of project implementation, an increased public access to internal reports, and the

inclusion in the design process of those affected by the projects. Participation, Darrow notes, is still a “dead letter,”⁴ and its implementation has strong human rights implications, including the provision of social rights as preconditions for participation.

Non-governmental organizations, on the other hand, have increased their involvement in the IFIs’ activities. Here, however, Darrow introduces a note of caution. This process, he argues, may eventually increase the influence of the United States, since many transnational NGOs raise their funds and train their staff in this country.

Darrow offers some possible applications of human rights standards for IFIs. Economic, social, and cultural rights, in particular, provide several guidelines, including the non-retrogression principle. In other words, the IFIs cannot propose the reduction of existing protections to those social rights. For instance, the World Bank could not advise the imposition of fees in countries with a free public school system.

Instead, Darrow argues for the “prioritization” of human rights, concluding that these rights are not “trumps” in the game of policymaking.⁵ Here the reader may wonder whether “prioritization” may quickly lead to trade-offs. Usually, this exchange takes place under dubious conditions of equality between IFIs and borrower countries.

A sense of moderation permeates the final sections of the book. Darrow limits his reform agenda to what “may realistically be achievable,” though he also claims this position is not an “endorsement of the status quo.”⁶ He believes in a shared effort to promote human rights by both internal and external advocates. In other words, he tries to give his readers a sense of hope, though a moderate one. After all, the author is an official for the UN High Commissioner of Human Rights. He wants to see some light.

However, the hope may be difficult to share. The account of the IFIs’ shadowy record in the opening chapters offers many reasons for hesitation. Darrow makes an excellent case for the legal admission of human rights standards in the IFIs’ activities, yet it is not clear why the IFIs would want to embrace that paradigm. After all, the enduring resistance from many corners of the world has been highly visible and vociferous. The IFIs’ insistence on formal obstacles reveals a deep, fundamental reluctance to abide by human rights without reservations.

⁴ *Id.* at 256.

⁵ *Id.* at 270-71.

⁶ *Id.* at 298-99.

Book Review

Blood, Land and Sex: Legal and Political Pluralism in Eritrea, by Lyda Favali and Roy Pateman

Publisher: Indiana University Press (2003)

Price: \$54.95

Reviewed by: Bijal Shah

In their ethnography *Blood, Land and Sex: Legal and Political Pluralism in Eritrea*, Lyda Favali and Roy Pateman attempt to fashion an analysis of legal pluralism and its feasibility in practice. They endeavor, through a discussion of Eritrea, to craft solutions integrating domestic and indigenous policy.

The highlight of their work, however, is their Tigrinya- and *Sari'a*¹-flavored foray into the customary Eritrean codes of blood feud and vengeance, land dispute, and gender relations. Favali and Pateman may not offer many clearly workable ideas for the peaceful political collaboration of international actors, transnational and state governments, tradition, and religion; but they have succeeded in producing a vivid, enjoyable text that details a complex variation of traditional rules within the “ethnies” (nationalities) of Eritrea.

Published following the fresh inking of the 2002 Ethiopia-Eritrea Boundary Commission agreement, the ethnography turns towards the almost welcome post-war problems of a liberated Eritrea. It revitalizes the topic by succeeding as one of few works in the genre that focuses not on current intercontinental Eastern African conflict, but on Eritrea exclusively. However, this supportive account of the new codes, the idealized constitution of the Eritrean People’s Liberation Front (EPLF), and the structural and organizational concerns of the nation’s fledgling judiciary and legal academic community, provides no concrete conclusions about the facilitation of potential change inside or beyond Eritrean borders.

The book’s main focus, however, falls on the history and current application of the indigenous law of the highland and lowland peoples of Eritrea. These ethnic groups include the sedentary Tigrinya and the

¹ *Sari'a* is an Eritrean variant on *Shari'a*, a set of ritual laws derived from Islam.

nomadic Saho, whose tenuous relations with pastoral lands and each other formed a foundation for land tenure and dispute resolution; the Kunama and the Nara, whose granting of immense sexual freedoms to married women ran counter to not only the rest of Eritrea and Africa, but much of the “westernized” world; and the Akele Guzai, whose oldest codes elegantly specified a sum of money for the conciliation of conflicts arising from murder.

The book begins by identifying the diverse Eritrean ethnies, and progresses into an exploration of the various powers and nations that have invaded and annexed them. The book outlines the ebb and surge of colonial and post-colonial manipulations of “traditional” law, including those of the Italian territorialists between 1886 and 1941 (whose influence on the nationalization of Eritrean land endures) and the vilified Ethiopians. Further, it seeks to disentangle the numerous levels of international, transnational, and state-level control over individuals and ethnies. It analyzes the Eritrean legal structure under a rubric of pluralism and synergy, and includes social, military, ideological and economic perspectives on power over the individual and nation-state.

While the book aspires to an intricate survey of Eritrean legal pluralism, in execution, it presents a rather simplified narrative of the ethnies’ traditional laws, prefaced by some history and unevenly padded by unsophisticated analyses of the influences of state government, international businesses and transnational interest groups. There is little discussion of the role of individuals in this dynamic, nor any examination of their viewpoints. The study of external pressures concludes, without sufficient investigation, that rapacious investors have injured Eritrea and that the country requires a glamorous veneer to curry economic favor with the rest of the world.

By assuming that many of the “liberalizing” movements at work in Eritrea are undertaken as concessions to the developed world, the authors overlook the progressive nuances of traditional Eritrean law. The authors claim, for instance, that the only reason Eritrea appears to be equalizing gender rights is to impress the international community. This observation ignores a variety of traditional practices that seem to assume an equality of the sexes. The pluralistic legal interplay around gender norms is more complex than the authors let on, and international pressure is but one of many competing forces in the dynamic.

Many Eritrean customs, for instance, place particular value on land and the conciliation of blood feuds, resulting in a dynamic that pulls women and men into matched responsibilities.² But the effects of Islam limit gender equality and contribute to women’s inability to participate in the updating of law. An old *Tigrinya* proverb declares that “property should be defended, women should fight for it too, and even an inch shall never be surrendered.” But as matrimony falls under *Sari’a*, a wife’s access

² While certain Eritrean traditions regarding land and blood feuds treat men and women as equal, female genital mutilation (FGM) persists as a widespread practice.

to land is more heavily restricted than that of a single woman or widow. On occasion, women may be killed just as honorably as men in procedures of blood retribution. But often a female relative of the murderer is married to a male relation of the victim to resolve a dispute. This custom cemented the position of women as tools of negotiation for the important protection of land and kin. Also, while some ethnies traditions that demand the sacrifice of life to reconcile blood feuds value the lives of women as much as those of men, *Sari'a* dictates that a woman's life is worth only half.

The authors note that the Eritrean codes, which codify native practices and were nearly deemed a "masterpiece of the oral and intangible heritage of humanity" by UNESCO, do not directly discuss FGM.³ In addition, the Land Commission, a relic of Dergue rule, has recently attempted to grant usufructuary rights to housing and farming land to Eritreans equally, regardless of sex, belief, race, or clan. But the authors of *Blood, Land and Sex* imply, despite apparent remnants of matrilineal societies within the nation, that the primary purpose of such developments is to elevate Eritrea in the eyes of Western countries, not to establish or authenticate purely Eritrean principles.

The authors also note a movement in Eritrean law toward individual rights rather than group rights, and similarly attribute this phenomenon to external pressures. But many indigenous practices reflect a historic emphasis on, or at least an understanding of, individual rights. One example is the attitude of many ethnies toward outsiders. Within both indigenous law and current national policy, strangers are welcome and treasured. Often, the murder of a foreigner or guest is treated more harshly than others in blood feud conciliation. Also, the Coptic Church, whose Old Testament is more individualist than traditional kinship laws, is little mentioned in the book, despite its status in the lives of *Tigrinya* Christians. Even under *Sari'a* law, the individual is afforded personal protection. Within blood feud, Islam allows reprisal against only the killer himself, unlike the many established ethnies systems where any member of comparable age within the murderer's family may be sacrificed to make peace. Despite the prevalence of certain Eritrean practices that prioritize the rights of the individual, Favali and Pateman hint that the modern Eritrean campaign to enhance individual rights must come from without and not from within.

Another shortcoming of the text is that it defines Eritrean indigenous law inconsistently, in that the authors fuse religious, traditional (pre-colonial), and customary (colonial) law. This conflation is perhaps a result of the authors' over-reliance on written history—sparse and superficial compared to the larger oral body of Eritrean law—to trace the origins of vast local policy. But customary law, traditional law, and religious command are distinct. They operate as competing influences upon Eritrean legal procedure, and may discretely influence one another. One example of

3 While the authors might regard this as an advancement in women's rights, it is likely that the omission occurs because of the documentation of FGM's widespread practice. Codification of such an ingrained, intuitive norm would be redundant.

the interplay of customary and religious laws is the attitude of various ethnies toward followers of *Sari'a*. Depending on ethnies-specific practice, followers of *Sari'a* can be either a sublimated class or a dominant community voice. In some contexts, they are rendered as politically powerless as women, and made into invalid witnesses to blood feuds. But sometimes, even in the same communities, they wield considerable authority, and are major regulators of the Eritrean institution of marriage. In addition, customary and traditional law may differ fundamentally in their translation and implementation of decisional processes. One such distinction is the extent to which traditional approaches may infuse decisional procedures with ideas of magic. For instance, where pre-colonial norms prevail, exile or another extreme form of punishment may be invoked, in place of mere blood feud payment, against a murderer who has used magic.

Blood, Land, and Sex does not adequately articulate the way in which the mixture of active authorities combine into the legal pluralism presently found in Eritrea. The writers, who hold an implicit pride in native Eritrean ways, imply that the only reason Eritrea should adhere to international standards for human rights is to manufacture a pretense of maturity in the global arena. This approach prevents the authors from outlining complex and realistic conclusions—if they draw any at all—about what legal pluralism does for Eritrea. In the end, the study fails to examine any applicable methodology of pluralism that might benefit Eritrea's own affairs.

The authors are also vague about the interplay of state and local law in this pluralistic mix. What practical role do national and local law and policy play in the lives of ethnies in flux? The EPLF, formally Eritrea's ruling group, may only accept traditional law when that law is in not in conflict with the Front's own edict.⁴ But do the group's official decrees have any bona fide effect? The authors' omission of EPLF policy damages the credibility of their conclusions. For instance, the government characterizes the organization of its people as a varied, decentralized, and localized process, while the authors contend that Eritrea follows a unified civil law pattern. This claim is made despite both evidence that seems to support the official position, and an Eritrean emphasis on common law traditions that do not report decisions or recognize case law as a judicial or legislative source.

Ultimately, *Blood, Land and Sex* advocates a pluralistic system in a country that, until recently, was exceedingly distorted by Ethiopia's colonization. This condition is ignored in the work, except as simplified within a discussion of land dispute. The authors fail to acknowledge that the newly independent Eritrea lacks procedural resources such as lawyers, judges, and systems for trial, all necessary for the effective creation and application of law. These shortages may not only create gaps between

⁴ There remain some exceptions squarely within the domain of Islam, such as marriage and other gender issues.

Eritrea's legal aspirations and their implementation, but may hinder the development of those ideals themselves.

These practical constraints will necessarily shape Eritrea's treatment of legal issues, and must figure into any analysis of the country's decisional processes. Transnational actors have repeatedly objected to Eritrea's handling of concerns like capital punishment, child prostitution and FGM. Eritrea has responded by pledging to improve, but has not made enough progress to quiet international protest. Some may attribute the country's failure to address these issues to an innate Eritrean resistance to certain international norms. But it would be presumptuous to conclude from the persistence of these problems that Eritrea's values oppose, are similar to, or are even within the same context as those of the global community. The absence of results may simply be a product of the country's limited capacities to assess and apply its own standards, much less those of the international community.

Favali and Pateman have much affection and respect for the exquisite complexity of traditional Eritrean society, and this is apparent in their careful presentation of many fascinating fine points of Eritrean customary law. The authors' queries about the practical use and stability of local codes as integral to a legally and socially pluralist Eritrean nation are compelling. Their conclusions would be more satisfying if they could steer away from an automatic assumption of the validity of ethnic law, and focus on the implementation of pluralism as a way to facilitate the fulfillment of Eritrea's current needs.

Perhaps it is simply that the subject matter of the book—blood feuds, land disputes, and gender relations—is intrinsically broad and disjointed. Nonetheless, the meticulous illustration of a complex Eritrean legal culture, whose native law centers on blood, land, and sex, lends itself to global analogy and hypotheses that the authors do not directly construct.

Book Review

From Kosovo to Kabul: Human Rights and International Intervention, by David A. Chandler

Publisher: Pluto Press (2002)

Price: \$24.95

Reviewed by: Maria K. Pulzetti

What does international humanitarian law have to say about food packages air-dropped onto minefields? This question confronted the staff of a major human rights organization, gathered in the Empire State Building conference room, from which several staff members had watched two planes fly into the World Trade Center just one month earlier. There to discuss human rights aspects of the recently-begun air campaign against the Taliban, the human rights specialists also inquired whether the simultaneous dropping of bombs and food aid in any way violated international humanitarian law. What if the food boxes, refrigerator-sized containers designed to break apart mid-fall, malfunctioned and fell whole, injuring civilians?

David Chandler, a Lecturer in International Relations at Brunel University in England and the author of other books on international human rights, did not know of this meeting or surely he would have raised it in his 2002 book *From Kosovo to Kabul: Human Rights and International Intervention*. Chandler sees the campaigns in both Kosovo and Afghanistan as illustrative of a new interventionist human rights approach to international policy, which has developed, not between 1999 and 2001 as the title might imply, but in the decade between the sunset of the Cold War and the NATO bombing campaign in Yugoslavia. Chandler uses the simultaneous dropping of food and bombs in Afghanistan as an illustration of morally vacant compromise between international policy makers, human rights norms, and humanitarian organizations.

In this book, Chandler examines the implications of the human rights approach to international policy-making, especially focusing on its theoretical and ethical limits. Chandler relies on the following sources: statements made by state leaders and policymakers; writings of human rights scholars and commentators such as Louis Henkin, Michael Ignatieff,

and David Rieff; the work of major human rights and humanitarian NGOs, including Amnesty International, Human Rights Watch, and Médecins sans Frontières; press reports; and U.N. documents.

The human rights movement bridges the worlds of activism, policy-making, political theory, and international law. This position, combined with the urgency imbuing many human rights causes, tends to discourage scholarly inquiry in favor of timely action. Chandler's book fills a niche by providing a critical view, from the political left, of the role a universal theory of human rights plays in international policy-making, specifically in the context of military intervention. Essentially, Chandler asks both whether a human rights advocate may ever call for military intervention, and if so, what has happened when that human rights rationale becomes a guiding force in an interventionist foreign policy.

Although this volume was published before the beginning of the U.S. war against Iraq, it provides a theoretical background to the very conundrum faced by many human rights advocates in early 2003: whether to oppose U.S. military action in Iraq because of the White House's failure to follow international law in launching the war, or to support the military action because of Iraq's egregious human rights record. Assuming that weapons of mass destruction do not factor into the equation, policy-makers had to choose between advocating unprovoked invasion of a sovereign state or defending an abusive regime. This catch-22 illustrates Chandler's thesis: the consequences of an "ethical foreign policy" influenced by human rights doctrine are problematic because human rights discourse ought not be used to support interventionism. He sees an ethical problem in calling for military action to protect human rights, and he sees a subsequent problem as well—intervention leads to a hegemony of rights enforcers that fails to empower individuals.

Chandler not only flags the "dangers of an uncritical adoption of the human rights framework,"¹ but he ultimately concludes that "the human rights discourse is good at destroying and undermining but cannot create stability or offer a constructive vision for the future."² Although Chandler reaches his conclusion through a thoughtful analysis of human rights as a premise for international policy, ultimately his book rests on a question posed in chapter six: Why is peace no longer a priority for human rights?

In the first three chapters of the book, Chandler chronicles the shift from a Cold War ideological and political framework to what he terms "ethical foreign policy" and "humanitarian militarism." Chandler recalls Louis Henkin's coining of the phrase "the idea of our time"³ to describe universal human rights, and agrees that the human rights framework has indeed come to dominate foreign-policy decisions, especially since the end of the Cold War, and has now assumed a larger political role than ever before. At the same time, human rights and humanitarian organizations

1 DAVID CHANDLER, FROM KOSOVO TO KABUL: HUMAN RIGHTS AND INTERNATIONAL INTERVENTION 220 (2002).

2 *Id.* at 236.

3 LOUIS HENKIN, THE AGE OF RIGHTS ix (1990).

have shifted from advocating for peace and need-based aid to advocating for intervention and rights-based aid. Chandler uses the example of the food airdrops over Afghanistan, occurring simultaneously with the bombing campaign, to illustrate the new doctrine of "humanitarian militarism." He persuasively highlights the rapid shift in the focus of international aid groups such as Oxfam and Médecins sans Frontières from needs-based to rights-based aid provision. Even more troubling to him are the calls for military intervention, especially to address the Kosovo and Rwanda genocides, from groups such as Amnesty International and Human Rights Watch:

Back in 1990, few people would have imagined that, within the decade, the international human rights community would be advocating the military occupation of independent countries on human rights grounds, the establishment of long-term protectorates, or the bombing of major European cities on a humanitarian basis. The clamour of support for military activism in the cause of human rights highlighted that Kosovo would, indeed, set a precedent for action on "ethical principles" in the future.⁴

Chandler's real contribution is his academic discussion of the limits of human rights theory. Others have pointed out the rise in prominence of human rights,⁵ but most of this work begins with the very starting point that Chandler deconstructs: the idea that the adoption of human rights rationales in policy-making will lead to more effective protection of human rights. As he points out, "[t]he radical challenge of human rights to the post-war international framework has been accepted in essence, with discussion focusing on the nature of the required institutional changes and the speed with which they are possible."⁶ He claims that this results in too "little critical consideration of the broader consequences of the prioritization of the human rights framework."⁷

Chandler does not credit the emergence of ethical foreign policy to policymakers' emerging sense of the importance of the rights of the disadvantaged. Rather, he sees the human rights framework as a replacement for the Cold War ideology, arguing that governments need to demonstrate a mission to their constituencies, and human rights provides that mission. The result, however, is that the moral high ground of human rights allows for a more active foreign policy. In chapter seven, Chandler raises an important and under-discussed issue: does ethical foreign policy simply provide a "legitimate" return of Great Power domination, in which

⁴ CHANDLER, *supra* note 1, at 16.

⁵ See, e.g., HUMAN RIGHTS AS POLITICS AND IDOLATRY (Michael Ignatieff ed., 2001); REALIZING HUMAN RIGHTS: MOVING FROM INSPIRATION TO IMPACT (Samantha Power & Graham Allison eds., 2000); David Rieff, *A New Hierarchy of Values and Interests*, 16 WORLD POL'Y J. 28 (1999).

⁶ CHANDLER, *supra* note 1, at 12.

⁷ *Id.* at 13.

only a few elite governments have the authority and political capital to enforce rights? Chandler sees this “elitist consequence” as problematic for relations between “elite” Western governments and non-Western states, and for the operation of the U.N. system, which rests on the notion of politically equal sovereign states.

In chapters four and five, Chandler applies human rights theory to explore the problems of ethical foreign policy. He contends that the transformation of universal human rights from moral ideals to enforceable legal rights creates an international regime in which only certain “ruling authorities” can enforce these rights. Civil and political rights in liberal democracies, he argues, are rooted in individuals’ claims to those rights. Therefore, he argues, civil and political rights can develop in a democratic model. On the other hand, human rights are rooted in the vulnerability of oppressed groups, and therefore establishing and enforcing these rights is left to outside ruling authorities, not to the rights-holders themselves. Thus, the human rights project of identifying “new” rights that the rights-holders may not have the political leverage to assert provides a space for international intervention. Chandler’s criticism of this model rests in his concerns about state sovereignty and about certain elite states wielding too much power in their authority to both define and protect universal human rights.

From Kosovo to Kabul may succeed in prompting an important scholarly dialogue about the implications of using human rights justifications in international military intervention. Certainly, in Kosovo, Kabul, and Baghdad, human rights advocates and policymakers have faced critical issues about the role of human rights and intervention. Unexamined adoption of human rights rationales for military intervention treads on moral ground that may threaten the integrity of the human rights movement. However, Chandler’s ultimate conclusion—that “humanist” rather than human rights regulation must inform policy-making—rings false. His discomfort with using human rights goals in any international efforts other than peace-building no longer resonates as contemporary, and perhaps it never did; after all, the Universal Declaration of Human Rights has its roots in the Second World War, and today’s Western human rights advocates inherited their movement from various Cold War activists who supported dissidents in China and the former Soviet bloc.

Chandler’s book raises important questions and succeeds in revealing the compromised role human rights have come to play in foreign policy, but his posing of a moral absolute—an irreconcilable conflict between peace and human rights—leaves unanswered the vital question of how the universal human rights framework may influence foreign policy to protect human rights themselves. Remember those air-dropped food packets in Afghanistan? Surely the packages did not adequately address food shortages, and admittedly pictures of starving civilians snacking on airlifted peanut butter served a political purpose for the Bush administration. But some people ate. Activists’ pragmatism, morally vacant to Chandler when it takes the ‘lesser-evil’ approach, will not call for a halt

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to the food aid, just as a room full of experts could not find a violation of the law in its delivery. At the intersection of activism, public policy, political theory, and international law, human rights must be theorized with an interdisciplinary approach.

Book Review

The Invisible Line: Land Reform, Land Tenure Security and Land Registration, by Henri A.L. Dekker

Publisher: Ashgate Publishing (2003)

Price: \$89.95

Reviewed by: Joseph Blocher

Land makes up three quarters of the wealth of most developing nations and plays crucial social, customary, and religious roles. Land reform is thus a major focus of economic development and human rights programs. Recent popular works by writers such as Hernando de Soto extol the virtues and apparent benefits of increased land tenure security and suggest that the Third World can expect explosive economic growth if property rights can be established, formalized, and protected.

The focus on formal property rights as an antecedent to economic growth is not a recent development. In the past fifty years, citizens of developing countries have been subjected to a flurry of land tenure reform projects, most of them involving Western-style title registration. Though some of these programs have apparently helped spark economic growth—Gershon Feder's oft-cited study of Thailand is perhaps the best-known example—many more have been disappointing at best, and counter-productive at worst. To help explain these successes and failures, economic and legal theorists have put forth a number of competing theories for why land rights—"invisible," socially-constructed lines—evolve in the first place, and why their existence can and should contribute to economic growth and social stability.

Henri A.L. Dekker's *The Invisible Line*, a broad study of land policy and theory, is a welcome addition to this critical debate. Though its breadth and analysis make it valuable to anyone interested in property, it should be of particular interest to development theorists, as it provides a comprehensive, thought-provoking, and practical introduction to property and development generally. Land policy makers around the world would be well-served by using it as a reference.

Dekker conceives of land rights as "invisible lines" that exist independent of topographical features. After briefly surveying the very

visible issues of poverty, hunger, and distribution that inevitably accompany discussions of property, Dekker devotes the bulk of his important work to a wide-ranging but well-grounded exploration of property, ownership, and the relationships between land, state, and society.

The Invisible Line charts a long-overdue course between arguments favoring formal land registration and proponents of local, customary control. Dekker recognizes that custom is not always the problem, but also argues that legal pluralism is not always the answer. His approach is above all pragmatic, recognizing that land reform—whether title registration, deed registration, or the introduction of title insurance—is a polycentric, complex process which cannot succeed without broad participation and wide-ranging policy reforms. Dekker stresses the need for incremental change that takes account of existing traditional landholding. Like De Soto, whose work has popularized the commitment to formal property rights as a precursor to development, Dekker recognizes that political commitment is necessary for the success of any land reform program. Land tenure reform is no panacea. It is nonetheless an essential part of any development program.

Moreover, Dekker rightly focuses on the *perception* of tenure security as the most important factor in measuring the effects of tenure reform, rather than the technological accuracy or advancement of the system. Many property rights theorists err by imagining property rights as being entirely imposed by the state and created by computerized maps, rather than being manifested in customs and socio-economic relations. Dekker sees both sides of the equation: that the state has a vital role and interest in land tenure, but that wholesale, top-down property reform is unlikely to change actual property practices. Tradition does not easily yield to new property regimes, as the difficulties of legal reforms in Russia and throughout Africa demonstrate. Though Dekker does not mention it specifically, the failure of the early Law and Development movement in the United States tells a similar cautionary tale to those who would export property solutions from the West. The United States Agency for International Development (USAID) attempted to apply Law and Development theory in the 1960s and 1970s by grafting American business and property forms onto development economies. The results were disappointing.

The Invisible Line's pragmatism rightfully avoids easy answers to land reform. However, on the specific issue of deed and title registration, Dekker seems to display an optimism that has not always proven justified in practice. He cites Feder's study on title registration in Thailand, which found a positive correlation between registration and economic development, and says that registration is "highly recommendable."¹ Indeed, this was the party line of the World Bank for at least three decades. Dekker does not, however, explore the many economic and legal studies

¹ HENRI A. L. DEKKER, *THE INVISIBLE LINE: LAND REFORM, LAND TENURE SECURITY AND LAND REGISTRATION* 116 (2003).

showing exactly the opposite effects in places such as Kenya, where a fifty-year title registration program has resulted in disempowerment of tribal groups, economic stagnation, and fragmentation of ownership. Empirical studies attempting to establish a connection between land formalization (drawing and recording "invisible lines") and economic growth have had distinctly mixed results. Increasingly, development agencies—including the World Bank—are emphasizing what Dekker himself acknowledges: that land registration is not a silver bullet solution, and that there are a number of prerequisites to successful registration.

Similarly, Dekker places too much emphasis on the importance of standardization in land title registration, at the expense of local control and variation. Land rights vary locally, not just in form, but also in content, particularly in the many areas where land relations are still governed by custom. Attempts to standardize are bound to fail when they do not take into account these local variations, because landowners will continue to follow the customary law they know. The current trend in land reform in Africa, for example, is to focus on *discovering* invisible lines, rather than on drawing them. Development agencies such as Britain's Department for International Development (DFID), and even the World Bank (reversing its earlier policy approach), have increasingly focused on local and even customary control of registration. Dekker is right to say that "simplicity is the key,"² but simplicity and standardization are not always the same thing.

Though Dekker recognizes that land has social value, he does not give much attention to the specific impact that land registration and land markets can have on certain at-risk groups. Given the breadth of his book, this would be a near-impossible task. From a human rights perspective, however, some people's rights to land are more "invisible" than others. In developing countries moving from a customary method of land tenure to a more Western method of statutory recording, for example, holders of customary land rights often find their land rights threatened or extinguished by well-intentioned land reform. This is especially true for women and other 'secondary' users of land, because title registration programs generally vest title in a single owner—often a man—who, as a result, might have more powers of exclusion or alienation than he had under the customary regime. Customary social sanctions, which title registration distorts without always effectively replacing, are often the only safety net protecting these secondary users, whose importance in both a social and economic sense cannot be underestimated. In much of Africa, 'secondary' use, such as small-scale family farming, makes up the backbone of the agricultural economy. Rights can be "invisible" in the way that Dekker describes—because they exist as legal creations, and not as topographical features—but they can also *become* invisible when they are threatened or eliminated by misguided land reform. Secondary users throughout Africa, for example, have had grazing and other access rights

² *Id.* at 148.

extinguished by title registration schemes. Economies, tribes, and nations have suffered as a result.

Though Dekker covers an impressive amount of theoretical ground in just 200 pages, a number of important frameworks for studying property and development would have served as helpful foils to his discussion. Despite introducing the concept of “institutions” on page one, Dekker does not explore New Institutional Economics (NIE), which is currently the dominant mode of analysis for property in a development context and which specifically addresses the rise of property rights as a social and economic institution. For all of its wide-ranging historical and political analysis, *The Invisible Line* leaves out such fundamentally important property rights theorists as Harold Demsetz, Douglass North, and Ronald Coase. This exclusion might have been a necessary concession for clarity’s sake, but a brief explanation of NIE would give more structure to Dekker’s discussion of the rise of property rights.

The Invisible Line is an invaluable introduction to the theory and practice of land tenure policy and land reform. It explains with superb clarity the concepts and debates surrounding land, and in so doing frames the larger debate about property and development. But from the more unique perspective of rights and development, the reality in much of the developing world is that land rights are not so much invisible as disappearing.

Book Review

The United States and Coercive Diplomacy, by Robert J. Art and Patrick M. Cronin

Publisher: United States Institute of Peace (2003)

Price: \$19.95

Reviewed by: Adam Choppin

Even a hyperpower such as the United States must choose carefully which diplomatic and military tools it employs to advance its national interests. Robert Art, Patrick Cronin, and their colleagues underscore this foreign policy reality in their newest book, *The United States and Coercive Diplomacy*. In this insightful new contribution to our understanding of U.S. foreign policy, Art and his colleagues examine eight cases since the end of the Cold War in which the U.S. used “coercive diplomacy” in an attempt to advance its foreign policy. The eight cases studied, Somalia, Bosnia, Kosovo, Haiti, North Korea, China/Taiwan in 1995-96, Iraq from 1990-98, and the U.S. campaign against terrorism from 1993-2001, are among the most complex episodes in U.S. foreign policy of the past few decades. Although the book is not without its faults, it remains a must-read for students and teachers of foreign policy, as well as foreign policy advisors.

Coercive diplomacy can be defined simply as the attempt to induce a target—usually a state, but possibly a group (e.g., a terrorist organization) or other non-state actor—to change its objectionable behavior. This attempt may take the form of either a threat to use force or the actual use of limited force with a threat of further military action. Short of all-out war, this diplomatic/political tactic is the most dangerous way to use a state’s military power, as failure leaves that the coercing state with a stark choice: back down and lose face, or risk lives and a potentially costly military campaign.

In some of these cases, such as Bosnia, Haiti, and certain episodes with Iraq, the U.S. was moderately successful in persuading its adversary to change its course of action. In most cases, however, the difficulty of pursuing a strategy of coercive diplomacy, and its frequent failure, are clearly evident. In the groundbreaking conclusion to his book, Robert Art shows that in the period since 1990, a U.S. strategy of coercive diplomacy has failed more often than it has succeeded.

Structurally, the book’s case studies vary from analyses of specific

foreign policy episodes to collections of episodes or series of events. For instance, the chapter on Somalia discusses both the successful use of coercive diplomacy to compel the local warlords to permit the delivery of food aid to the local populations and the subsequent failed attempt to disarm the warlords and turn the operation over to United Nations troops. In the case of Iraq, there were arguably six episodes of coercive diplomacy from 1990-98, ranging from the attempt to persuade Iraq to withdraw from Kuwait in 1990-91 to Hussein's operations against the Kurds in 1996. The chapter on terrorism presents three episodes in which the U.S. arguably attempted to coerce certain groups to cease their operations by threat of military action, including Iraq in 1993, al Qa'ida in 1998, and al Qa'ida/Taliban in 2001. The other chapters, Bosnia from 1994-95, Kosovo from 1998-99, North Korea in 1994, Haiti in 1994, and China in 1996, are all self-contained episodes.

While most of the authors' analyses are intelligently presented, some of their cases suffer from an academic parsimony that fails to capture complex political realities of U.S. foreign policy. In the eight cases chosen for study in this book, the United States used or attempted to use coercive diplomacy to affect the behavior of one or more actors. But in some cases, the public demands and threats made by U.S. policymakers were probably never intended to succeed, and military conflict was a foregone conclusion. For example, few policy analysts believe that any response to U.S. demands by the Taliban in October 2001 would have prevented a U.S. attack on Afghanistan. Similarly, it seems unlikely that any action short of military retaliation would have satisfied American policymakers following the embassy bombings in East Africa in August 1998. The authors refer to such political tactics as "disingenuous" coercive diplomacy, or in other words, not really diplomacy at all. In this way, the book underscores the extreme difficulty of assessing U.S. foreign policy using such interesting, but ultimately academic, approaches to synthesizing complex foreign policy episodes.

Additionally, some of the cases in this book, particularly in the chapter on terrorism, are only tenuous examples of coercive diplomacy because they lack an actual diplomatic element. For example, Martha Crenshaw classifies the 1993 U.S. military response against Iraq for Saddam Hussein's past assassination attempt on then-President Bush as coercive diplomacy, arguing that the attack was to persuade Hussein's regime to abandon its support for terrorism. But this analysis diverges from the conclusions of other prominent observers, who saw the attacks as merely a retaliatory response. Similarly, the U.S. response to the 1998 embassy bombings in Nairobi and Dar es Salaam, which took the form of an attack on a pharmaceutical plant in Sudan and an al Qa'ida training camp in Afghanistan, is unconvincing as an example of coercive diplomacy, since no demands were made prior to military action.

Despite these shortcomings, *The United States and Coercive Diplomacy* is an excellent examination of some of the most challenging episodes in U.S. foreign policy in the past fourteen years. Further work in this area might

consider the cases of Pakistan immediately following the 9/11 attacks, U.S. military pressure on the Sudanese government in the late 1990s, and of course the prelude to the most recent war in Iraq. Art and his colleagues have made a significant contribution to the study of U.S. foreign policy and to the growing understanding of both the uses and limitations of coercive diplomacy as a tool of foreign policy.

Book Review

World on Fire: How Exporting Free Market Democracy Breeds Ethnic Hatred and Global Instability, by Amy Chua

Publisher: Doubleday (2002)

Price: \$26.00

Reviewed by: Chris Muha

Much has been written about Amy Chua's first book, *World on Fire*, since its appearance in January of last year—so much in fact that additional reviews might seem superfluous. There is a significant lacuna, however, in the discussion generated by Chua's book, one which is also present in the book itself. Specifically, this discourse has ignored an important way in which free markets impact certain cultures.

World on Fire centers on the discussion of what Chua labels "market dominant minorities." Market dominant minorities are ethnic groups which comprise a minority of a country's population yet control a vastly disproportionate amount of the wealth. In the Philippines today, ethnic Chinese account for 1 to 2 percent of the population, yet "control all of the Philippines' largest and most lucrative department store chains, major supermarkets, and fast-food restaurants . . . With one exception, all of the Philippines' principal banks are now Chinese-controlled."¹ In Brazil, less than 0.01% of the population, all of them "unmistakably white,"² own most of the country's land. The Tutsi, a 14 percent minority in Burundi, "control approximately 70% of the country's wealth."³ Other instances abound.

Chua's thesis boils down to this: in countries such as these, the sudden tandem introduction of free markets and democracy can have disastrous consequences. Free markets and democracy—at least in the form traditionally exported—are *not* the panaceae they are thought to be. Instead of closing wealth gaps, unregulated free markets tend to enlarge them. Accumulated wealth translates into increased bargaining power and investment opportunities, thus favoring the further accumulation of wealth

1 AMY CHUA, *WORLD ON FIRE: HOW EXPORTING FREE MARKET DEMOCRACY BREEDS ETHNIC HATRED AND GLOBAL INSTABILITY* 36-37 (2002).

2 *Id.* at 67.

3 *Id.* at 111.

by those who already possess it. The impoverished masses may benefit from some sort of trickle-down effect, but, as Chua points out, such effects may actually *increase* resentment when it is realized how much *more* of their country's newfound prosperity is being seized by the already well-off.

Introducing democracy into this mix—at least in the form of direct and universal suffrage—can lead to serious problems. In countries with market dominant minorities, democratic empowerment is often the spark that ignites the powder keg of indignation brewed by extreme economic disparity. The fact that this disparity occurs along conspicuous ethnic lines heightens the tension. In countries with market dominant minorities, opportunistic demagogues seeking office exploit this latent (and sometimes not so latent) tension, painting the market dominant minorities as “outsiders” who have seized the nation's wealth from its “rightful owners.” As Chua documents, the sudden empowerment of these angry majorities tends to lead to reprisals against the markets which are seen as reinforcing and indeed as causing the wealth disparity. Robert Mugabe's Zimbabwe, U Nu's Burma, and post-Suharto Indonesia are all examples of this.

Of even greater concern are those instances where democratic empowerment has resulted in reprisals against the market dominant minorities themselves. The genocide in Rwanda was of a market dominant Tutsi minority by a democratically empowered Hutu majority. Gregoire Kayibanda, one of the authors of the *Hutu Manifesto*, became the first president of Rwanda, which was granted full independence in 1962. Kayibanda stirred up the Hutu masses to kill the Tutsis, so much so that already by December 1963, “highly organized Hutu massacres left almost fourteen thousand Tutsis dead in the southern province of Gikongoro alone.”⁴ The genocide that occurred in the former Yugoslavia, though part of a differently complicated history, involved largely the same dynamics.

Despite all of this, Chua still believes that democracy is the form of government that best accords with human dignity and that free markets best facilitate economic development. Her concern is that the West is exporting free market democracy to countries that are demographically unprepared for it. Furthermore, these developing countries are encouraged to adopt a form of free market democracy that no western country has itself adopted. No western country, upon becoming independent, immediately adopted universal suffrage—and no western country today has the kind of laissez-faire free market that developing countries are encouraged to adopt. Free market democracy, particularly of this kind, can have disastrous effects on populations with certain demographic characteristics, and Chua's aim is to make these effects part of the deliberative process. She seeks to raise awareness on a dynamic present in many developing countries that dramatically affects their chances of progress. This is the great value of her work.

In view of that goal, however, there is a significant gap in *World on Fire*.

⁴ *Id.* at 167.

Throughout the book, Chua discusses the place of culture in the dynamics surrounding market dominant minorities. Chua makes many qualifications throughout her work. One such qualification is that she does not purport to explain *how* market dominant minorities come to be. Her work is not genetic. Rather, it is descriptive and diagnostic: this is what market dominant minorities are, and this is how free markets and democracies affect them.

She nevertheless mentions various reasons one group might be more economically successful than another. Perhaps the most prevalent of these is culture. Careful not to adopt the explanation as her own, Chua at several points relates the opinions of others to the effect that the various cultural tendencies of a people are responsible for their economic success or failure. "Some have suggested," Chua reports, that the extreme market dominance of the 5% Chinese minority in Burma is attributable to "a native [Burmese] prejudice against 'greedy' profit-seeking."⁵ Commenting on Jewish economic success in Bolivia vis-à-vis other immigrant groups, "one foreign visitor observed in 1940" that, while Jews are typically willing to "'eke out an existence, sleeping in their wagons under the stars . . . the first care of each German is to get an apartment. As far as the German is concerned, an apartment must have a bath.'"⁶ The market dominance of the Kikuyu, a Kenyan minority, is attributed by one of their number to their having "'a different attitude. [Kikuyu] like to invest and try ventures, however small.'"⁷ The Ibo, a market dominant minority in Nigeria, are "famous the world over for being an unusually driven and enterprising 'trader' minority,"⁸ and some believe Ibo society to be "unusually open and 'achievement-oriented.'"⁹

In keeping with her purpose of explaining the *effects* of the interaction of market dominant minorities with free markets and democracy, and not the *genesis* of their market dominance, Chua relates such statements as the ones above through the mouths of others. Conversely, Chua states things matter-of-factly when discussing the effects that market dominant minorities have on culture: "global anti-Americanism reflects not only our market dominance, but also our military unilateralism, our foreign policy, and our cultural 'hegemony.'"¹⁰ Chua lists several ethnic majorities that believe their culture is being swallowed by a market dominant minority, but most of her discussion of this problem centers on America and its influence as the global market dominant minority. "[G]roups all over the world [are] fearful of the invasion of American products and entertainment."¹¹

There is a deeper, more important sense in which American market

⁵ *Id.* at 29.

⁶ *Id.* at 67.

⁷ *Id.* at 106.

⁸ *Id.* at 108.

⁹ *Id.* at 109.

¹⁰ *Id.* at 237.

¹¹ *Id.* at 238.

dominance translates into cultural dominance, one at which Chua only hints. Economic systems are generally understood to be value-neutral. Consequently, any cultural effects an economic system may have are *extrinsic* to the economic system itself. America's cultural dominance is a by-product of its economic success: America is successful economically, and as a result, American products are bought the world over. This conception of the relation between economics and culture is the one most prevalent in *World on Fire*.

At one point, however, Chua states, "'Culture' cannot simply be treated as an inconvenient impediment to free markets. Even if it were possible to transform every developing-world villager into a consumer entrepreneur, it is hardly obvious that this ought to be the goal of development policy."¹² The idea that being a "consumer entrepreneur" has anything to do with "culture" flies in the face of the idea that economic systems are value-neutral. And if economic systems are not value-neutral, but instead favor certain values over others, they are likewise bound to favor cultures in which those values are held in greater esteem. Cultural dominance, in other words, is not extrinsic to the economic system; cultural dominance is embedded in the system itself.

Chua, unfortunately, does not dwell on the implications of this statement. The rest of the page is spent discussing how leveling the economic playing field will be a slow process, and at the top of the next page, a new section begins: "Stakeholding: Spreading the Benefits of Markets." Examining the values inherent in an economic system, though, is necessary to properly determine the effect that that system is likely to have on a given culture. Market systems, for instance, place a high premium on efficiency and individual initiative. These, of course, are positive values. But they are not the only positive values in the world. Finite humans, unfortunately, can only realize so many values. And each human culture, understood as a given group's value complex and the activities through which that complex is expressed, necessarily chooses among, and ranks, different values. A culture which ranks social interaction or a certain quality or pace of life more highly than efficiency, frugality, and individual efficiency is likely to fare worse in a market economy than a society which favors these latter values. All of these values are positive values; no judgment is made here as to which, if any, values have greater or lesser worth. That is ultimately a meaningless question, not because values are entirely subjective, but rather because we do not hold particular values in isolation of others. Nor do abstract values have any meaning outside of the concrete situation in which one finds oneself.

The point here is simply that values are given varying levels of importance across cultures. Assuming the accuracy of the observations cited earlier, the German who wants a bath in his apartment is not necessarily imprudent, just as the Jew who "ekes out an existence" is not necessarily greedy or overly frugal. Frugality, present quality of life, and a

¹² *Id.* at 266.

whole host of other positive values simply have a different ordering for the German than for the Jew. It is not a bad thing that the Kikuyu and the Ibo have an entrepreneurial spirit: it likely reflects certain (positive) values held in high esteem by their communities. Nor is it bad that Kenyans and Nigerians do not have such a spirit; the time they spend in other pursuits likely expresses other, similarly positive values. Perhaps Arye Gelblum is wrong that Sephardic Jews' relatively poor economic success is attributable to their "chronic laziness and hatred for work."¹³ Perhaps spending time with family, cultivating social relations, or any number of other, positive things are simply more important to them. To call them lazy is to assume that their time is not finite; that is, it is to assume that a group's shared way of life is able to express every value, and is not forced to rank them.

Cultures that do not give pride of place to efficiency and individual initiative, then, are destined to be harmed by a market economy. Market economies elevate certain values to a status they do not have in these cultures. American cultural dominance has as much to do with the emphasis of certain values as it does with the mere proliferation of certain American products. Or rather, the proliferation of American products causes concern because they exude our distinctly American value-complex. McDonald's is not reviled because it physically originated in America; McDonald's is reviled because of the values it embodies. It says that what matters is that things be quick and cheap; that quantity is of paramount importance; in other words, that *efficiency* is key. McDonald's, in other words, embodies the values favored by a market system of economics.

McDonald's, which is quintessentially *market*, is despised as being quintessentially *American*. The connection between these two concepts runs deep. As Chua points out, America differs from other market dominant minorities in that America is not a single ethnicity. Consequently, our culture—that is, our shared way of life—does not revolve around ancestry, religion, or any of the other things that tend to determine an ethnicity's value complex. *Economic life*, rather, is what constitutes America's shared way of life. This is nowhere evidenced more forcefully than in talk of "the America dream." To be American means having the opportunity to acquire wealth through hard work and personal initiative. This may seem like a rather thin version of shared life, but it may be naïve to expect much more from a country of immigrant groups, each of which brought with it a distinct culture. It should not surprise us that, in a country with so many distinct ways of life, economic life should constitute the deepest shared level. This is especially true when that country has a market economy. As Chua relates, the Ibo of Nigeria are immigrants, and "according to some this experience has contributed to a stronger 'work ethic.'"¹⁴ The immigrant experience, in other words, may foster one of the virtues most conducive to a market economy. When everyone is an immigrant, and this virtue is one of the more widely shared, it is understandable that the values of the

¹³ *Id.* at 216.

¹⁴ *Id.* at 109.

economic sphere would become determinative of culture.

Immigrant status is still more conducive to a market system of economics in that immigrants are freer to do things in the most efficient way. They are not bound by the specific ways of doing things which the native culture may have adopted, and through which they may express certain values. Something as simple as baking may be done the way it is because it involves certain cultural traditions. Chua recounts that traditional Javanese bean curd makers are suffering badly because they have failed to introduce greater efficiencies.¹⁵ Immigrant groups are free to produce such things in the most efficient way because the products and processes involved are not a significant part of their way of life.

If efficiency and hard work are two virtues which immigration uniquely fosters, America may have been uniquely predisposed to succeed in a market economy. Whatever influence immigration may have had, the fact remains that "the American dream" still dominates our vision of what it means to live in America. Economic values are among our most deeply held shared values and the most formative of American culture.

American market dominance, then, truly is cultural dominance. The values which shape our culture are the same ones embodied in the market economy, and when we export a market economy, we export ourselves. When foreigners encounter a McDonald's, they encounter a whole way of life, a whole ordering of values, different than, and often contrary to, their own. It is this which causes the anti-Americanism Chua focuses on in the third section of her book.

Chua, I suspect, senses this to some extent. It may be the reason she mentions on so many occasions the possibility that a people's cultural tendencies contribute to its market dominance, despite the fact that her focus is on the effects of that market dominance. Ultimately, one cannot separate discussion of effects from discussion of origins, since both are tied to whatever values are inherent in an economic system. To say an economic system favors certain value complexes is simply the corollary of saying that it disfavors others.

Chua may have had good reasons for making this separation. Perhaps an adequate defense of the position that cultural tendencies are partly responsible for minority market dominance would have been too much to fit into this book. Or perhaps she was concerned that such a position would be misconstrued as racist and would consequently overshadow the rest of the work. Or perhaps Chua simply doesn't believe that the economic success (or lack thereof) of certain groups can be traced to cultural predispositions. One thing is certain: anything which might have detracted focus from the main thrust of the book *ought* to have been left out, because what she has to say in *World on Fire* is so incredibly important.

¹⁵ *Id.* at 40.